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From: Gerry Armstrong [mailto:gerry@gerryarmstrong.org]
Sent: Wednesday, September 05, 2007 12:48
To: kmoxonatearthlink.net
Subject: RE: Ex parte application

September 5, 2007

Kendrick L. Moxon, Esquire
Moxon & Kobrin
3055 Wilshire Blvd., Suite 900
Los Angeles, CA 90010
By E-mail: kmoxonatearthlink.net

Re: Scientology v. Armstrong
Marin Superior Court Case No. CV021632

Dear Mr. Moxon:

My position is stated in my opposition to your ex parte application to strike my motion to set an evidentiary hearing pursuant to C.C.C. § 1670.5 attached and express couriered to you.

I will let you know my intention without reservation after the tentative ruling tomorrow.

Yours sincerely,

Gerry Armstrong
#2-46298 Yale Road
Chilliwack, B.C. V2P 2P6
Canada
604-703-1373

-----Original Message-----

From: kmoxonatearthlink.net [mailto:kmoxonatearthlink.net]
Sent: Tuesday, September 04, 2007 1:45 PM
To: Gerry Armstrong
Subject: Ex parte application

Mr. Armstrong,

At the time of the hearing on Friday, September 7th at 9:00 before Judge Duryee, I also intend to bring an ex parte application to strike your motion for an evidentiary hearing in October, on the grounds that the Superior Court has already ruled the issue of the injunction and the settlement agreement it is based upon, is res judicata. The Court of Appeals also noted it was res judicata. You misapprehended the court's comments at the 2004 trial on "unconsonability", as the court merely said it would be unconsonable to assess more than \$500,000 more at this point. The court did not say the settlement agreement or the injunction was unconsonable.

Please advise of your position on this and whether you intend to appear to oppose the motion.

Kendrick Moxon
MOXON & KOBRIN
3055 Wilshire Blvd., Suite 900
Los Angeles, CA 90010
(213) 487-4468

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